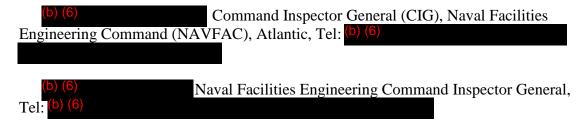
NAVFAC ATLANTIC COMPLETION REPORT NIGHTS 201501673 9 Dec 2015

- 1. Investigators Identifying Information and Location of Working Papers
 - a. Investigators Identifying Information.



b. Location of working papers. Naval Inspector General Hotline Tracking System (NIGHTS) 201501673.

2. Background and Summary

- a. Hotline Control 201501673 and Origin of Complaint. Department of Defense Inspector General (DoDIG) received an anonymous complaint on 2 Jun 2015 DoDIG Hotline Case Number 20150602-031545-CASE-01. Naval Inspector General (NAVINSGEN) received the case as Priority 3 Information Referral on 3 Jun 2015. NAVINSGEN forwarded NIGHTS case number 201501673 to NAVFACENGCOM IG on 3 Jun 2015, NAVFAC Atlantic received this case on 17 Jun 2015. NAVFAC Atlantic requested to conduct a full investigation on 18 Aug 2015, and received approval on 27 Aug 2015.
- Commanding Officer (CO) of NAVFAC Mid-Atlantic abused his position by ordering his subordinates to hire (b) (6) retired Colonel, US Air Force Officer for the Deputy Public Works Officer (DPWO) position at Public Works Department (PWD) Yorktown. The anonymous complainant also stated that the CO of NAVFAC Mid-Atlantic misused his position by directing his employees to coach, review the resume, and conduct mock interviews for his personal friend (b) (6)
- c. Additional Information. An additional allegation was presented in the anonymous complaint received by DoDIG Hotline Case Number 20150602-031545-CASE-01 that (b) (6) was not in an employable status when he was hired as the DPWO of Yorktown, this allegation was not investigated as (b) (6) retirement date was 31 August 2014 and his onboard date for the position of DPWO of Yorktown was 22 September 2014. The position was open to eligible "Current, Permanent Federal Employees; Former Federal Employees with Reinstatement Eligibility; Veterans Employment Opportunities Act (VEOA); and ICTAP Applicants" (b) (6) was

VEOA eligible and therefore able to apply for the Deputy Public Works Position, Yorktown.

d. Summary of outcome of investigation.

Due to the preponderance of evidence both investigated allegations are **Not Substantiated**.

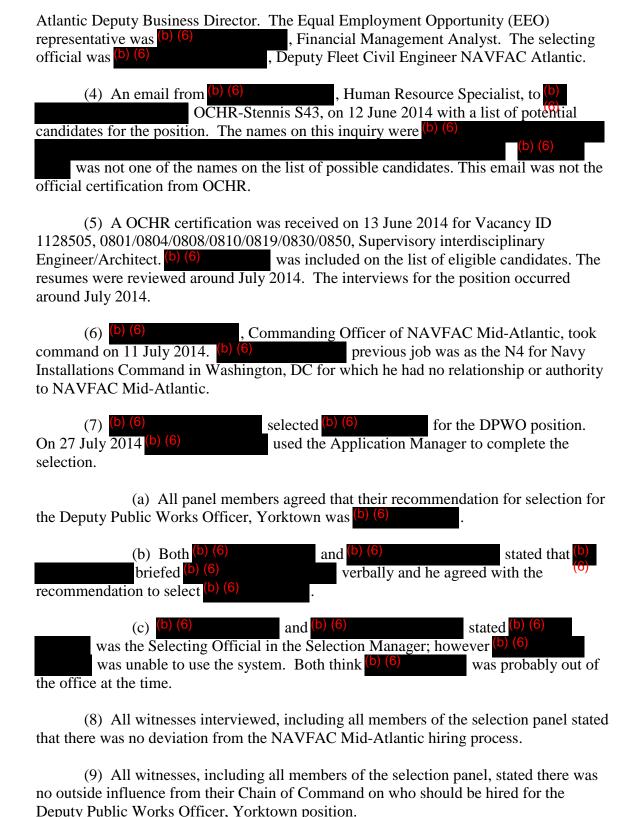
e. List of allegations

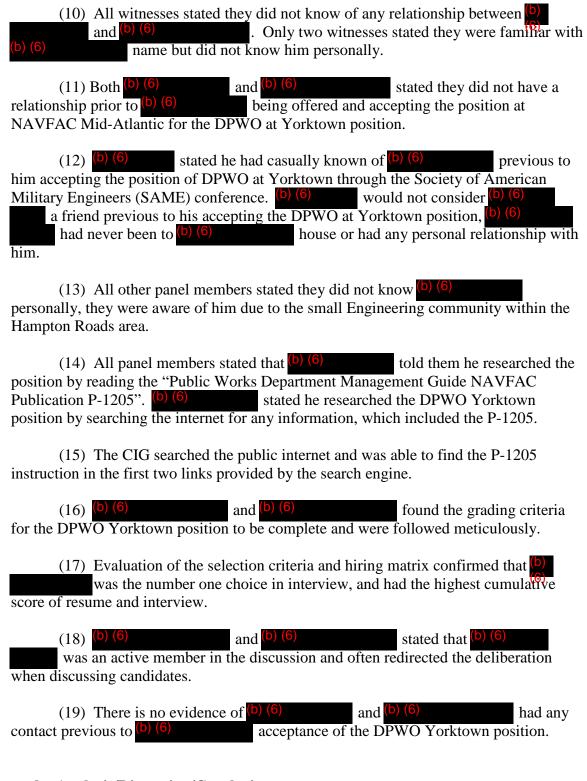
- (1) That (b) (6) Commanding Officer of NAVFAC Mid-Atlantic, in 2014, abused his position by ordering his subordinates to hire (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of Title 5 US Code 2302(b)6.
- (2) That (b) (6) Commanding Officer of NAVFAC Mid-Atlantic, in 2014 misused his position by directing his employees to coach and review the resume of (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of 5 USC section 2302(b)6.
- 3. First allegation. That (b) (6) Commanding Officer of NAVFAC Mid-Atlantic, in 2014, abused his position by ordering his subordinates to hire (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of Title 5 US Code 2302(b)6. **Not Substantiated**.

a. Facts.

5 USC Sec 2302(b)(6)

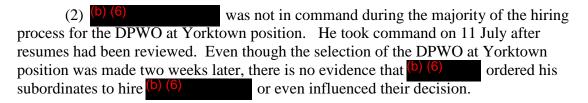
- (b) Any employee who has the authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority (6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;
- (1) A Standard Form (SF) 52 Request for Personnel Action was processed for a Recruit/Fill for position BIN: 3562284 on 6 May 2015.
- (2) The USAjobs.gov announcement was released on 28 May 2014. The application period to apply for the position Deputy Public Works Office3r, Yorktown was from 28 May 2014 to 10 June 2014.
- (3) The board members were (b) (6) , NAVFAC Mid-Atlantic Asset Management Business Line Coordinator, (b) (6) , NAVFAC Mid-Atlantic PWO Yorktown, and head of the panel was (b) (6) , NAVFAC Mid-NAVFAC Mid-





b. Analysis/Discussion/Conclusion.

(1) Policy and procedures were followed for the hiring of the Deputy Public Works Officer, Yorktown.

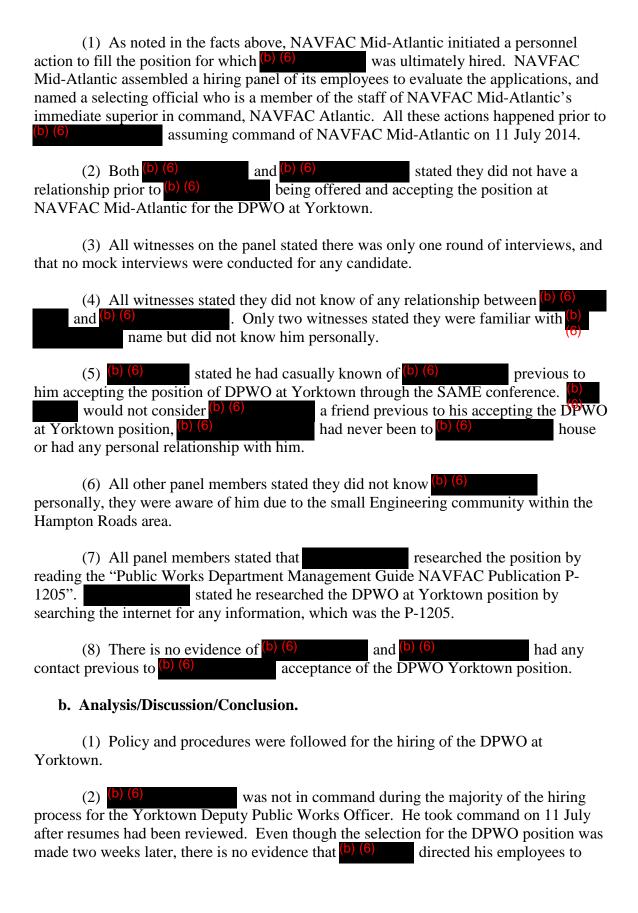


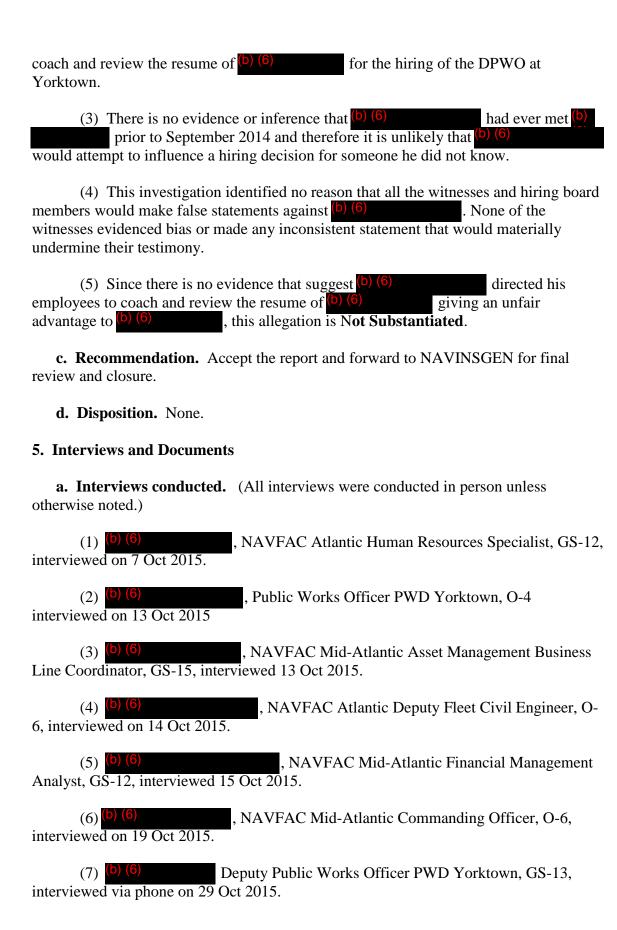
- (3) There is no evidence or inference that (b) (6) was either directly or indirectly involved in the hiring or selection process for the hiring of the Deputy Public Works Officer at Yorktown.
- (4) There is no evidence or inference that (b) (6) had ever met (b) prior to Sep 2014 and therefore it is unlikely that CAPT Rios would attempt to influence a hiring decision for someone he didn't know.
- (5) This investigation identified no reason that all the witnesses and hiring board members would make false statements against (b) (6). None of the witnesses evidenced bias or made any inconsistent statement that materially undermine their testimony.
- (6) Since there is no evidence that suggest (b) (6) influenced or directed the panel members to select or give unfair advantage to (b) (6), this allegation is **Not Substantiated**.
- **c. Recommendation.** Accept the report and forward to NAVINSGEN for final review and closure.
 - **d. Disposition.** None.
- **4. Second allegation.** That (b) (6) , Commanding Officer of NAVFAC Mid-Atlantic, in 2014 misused his position by directing his employees to coach and review the resume of (b) (6) retired Colonel US Air Force, for the DPWO position at Yorktown in violation of 5 USC section 2302(b)6. **Not Substantiated**.

a. Facts.

5 USC Sec 2302(b)(6)

(b) Any employee who has the authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority – (6) grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;





(8) (6) Deputy Business Director at NAVFAC Mid-Atlantic, GS-14, interviewed on 3 Nov 2015.

b. Documents reviewed.

- (1) 5 USC § 2302(b)(6), Prohibited Personnel Practices
- (2) SF-52 for Recruit/Fill request number 14APRSELGNV2540085808975
- (3) Announcement for Supervisory Interdisciplinary Engineer/Architect Job Announcement Number SE408XX-13-1128505LG832550
 - (4) NAVFAC, Mid-Atlantic Crediting Plan DPWO Yorktown GS08XX–13
 - (5) (b) (6) DD Form 214
- (6) SF-52 for Career-Conditional Appointment for (b) (6) position Supervisory Civil Engineer 4115A 1369663
- (7) Email from (b) (6) to (b) (6) on 12 June 2014 Subject: RPA #834550, Supervisory Interdisciplinary Engineer/Architect, GS-08XX-13
- (8) Final Excel Spreadsheet for grading and ranking of all candidates for the Supervisory Interdisciplinary Engineer/Architect Job Announcement, DPWO Yorktown –GS08XX–13.